

REMARKS

This Amendment is responsive to the Office Action mailed March 10, 2006. Claims 1-29 remain pending in the application.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 2-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner requested that the actual chemical name (i.e., compound) be substituted into Claims 2-6 in place of the trademark, NITINOL[®]. Claims 2-6 have been amended per the Examiner's request to recite "nickel-titanium" in place of "NITINOL[®]." Reconsideration is therefore requested.

REJECTION UNDER 35 U.S.C. § 103(a)

Claims 1, 5-14, 18-22, 24, and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Xie et al. (U.S. Pat. No. 6,503,620) in view of Japanese reference 6-36613 (Abstract). This rejection is respectfully traversed.

Initially, the undersigned is submitting herewith for the Examiner's convenience a translation that was obtained for JP 6-36613. It is respectfully submitted that it would not have been obvious to combine the teachings of Xie et al. in connection with JP 6-36613. As noted in previous responses, Xie et al. merely involves a construction of a "pressure sensitive adhesive" (PSA) that is used in a process for making an adhesive, pressure sensitive label. There is absolutely no suggestion in Xie et al. of using SMA particles in the adhesive. Furthermore, there would seem to be no need to use SMA

particles in the adhesive of the label, nor would there be any benefit provided by the inclusion of SMA particles in the label adhesive in Xie et al.

Xie et al. simply would not appear to benefit from any of the properties that are provided by SMA particles, a principal benefit being providing improved compression-after-impact (CAI) strength. However, improved CAI strength would seem to serve no purpose at all in adhesive, pressure sensitive label.

JP 6-36613 is directed to the bonding of electronic parts. It will be noted that Figure 1 and Paragraph (0012) of the translated text of JP 6-36613 references numeral 1 as the bonding material, numeral 2 designating an insulating resin base material, and numeral 3 as particles of conductive shape memory alloy. It does not appear that the SMA particles are located in the adhesive material. Instead, it appears that the SMA particles are located in an insulating resin base. Moreover, there does not appear to be any suggestion of actually using the SMA particles in the adhesive itself. Thus, it appears that the teachings of the Xie et al. and JP 6-36613 references have been combined in hindsight.

In view of the foregoing, it is respectfully requested that the obviousness rejection of Claims 1, 5-14, 18-22, 24, and 27-29 be withdrawn, and these claims allowed.

Claims 3, 4, 16, 17, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Xie et al. and JP 6-36613 as applied to Claims 1, 5-14, 18-22, 24, and 27-29 above, and further in view of Minners (U.S. Pat. No. 6,236,300). Since each of dependent Claims 3, 4, 16, 17, 25, and 26 are dependent claims that depend from

one of the hereinbefore addressed independent claims, it is believed that this rejection has been rendered moot. Reconsideration is respectfully requested.

Claims 2, 15 and 23 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Xie et al. and JP 6-36613 as applied to Claims 1, 5-14, 18-22, 24, and 27-29 above, and further in view of Goldstein (U.S. Pat. No. 4,657,822). Again, in view of the previous remarks concerning independent Claims 1, 13 and 22, it is believed that this rejection has also been rendered moot. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

In view of the foregoing, it is believed that all of the pending claims are in form for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the

Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 7, 2006

By: 
Mark D. Elchuk, Reg. No. 33,686

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDE/lf-s/jo

G:\melchuk\7784\000500-000599\000553CPC\Amendment due 6-10-2006.doc